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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,141	10/19/2001	Jean C. Congard	CONGRAD=2	7548
1444	7590	11/23/2004	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			BAREFORD, KATHERINE A	
			ART UNIT	PAPER NUMBER
			1762	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/982,141

Applicant(s)

CONGARD ET AL.

Examiner

Katherine A. Bareford

Art Unit

1762



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7, 11 and 13 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/01.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This office action is in response to the Communication by applicant of October 18, 2004, noting that claim 13 was to be examined re the Petition decision (of June 18, 2004).
2. Now pending in the case are claims 7-11 (the elected claim), claim 13 (a linking claim) and claims 1-6 and 12 (withdrawn restricted out claims). The claims were last amended on August 3, 2004.
3. The indicated allowability of claims 7 and 11 is withdrawn in view of the newly discovered reference(s) to WO 99/55465. Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 7, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/55465 (hereinafter '465).

Claim 7: '465 teaches a method for supplying coating products to at least one spraying device. Figures 1-3 and page 1 (the spray bottles). By spraying the device would atomize the coating products, by the nature of spraying. The spraying device would be part of a spraying "installation" since the spray device or devices would be an apparatus used for spraying. The supply method includes displacing at least one principal tank (container 36 forms a "tank" for holding liquid) up to the vicinity of a secondary tank (dispenser 12 has a liquid containing area 20, a "tank" area, for holding liquid). See figures 2-3 and page 8, line 10 through page 9, line 23 (note the movement of the container 36 closer to the spray bottle from figure 2 to figure 3 by lifting and pouring). This secondary tank is intended for use with an atomizer (sprayhead 22). Figure 2 and page 8, lines 12-16. The coating product is transferred from the principal tank towards the secondary tank after the displacing step. Figure 3 and page 9, lines 14-23. The atomizer is connected to the secondary tank. Page 8, lines 12-16 and figures 2-3 (through downtube 24).

Claim 11: as shown by '465 multiple spray devices can be used. See figure 1.

Claim 13: '465 also teaches a device for supplying coating products to at least one spraying device. Figures 1-3 and page 1 (the spray bottles). By spraying the device would atomize

the coating products, by the nature of spraying. The spraying device would be part of a spraying "installation" since the spray device or devices would be an apparatus used for spraying. The supply method includes means for displacing at least one principal tank (container 36 forms a "tank" for holding liquid) up to the vicinity of a secondary tank (dispenser 12 has a liquid containing area 20, a "tank" area, for holding liquid) by hand movement as shown. See figures 2-3 and page 8, line 10 through page 9, line 23. The means for displacing can also be by placing the principal tank (from containers 38, 40, 42) on a wheeled cart to be moved to a dispensing location, which at least partially moves it the dispenser 12 with its secondary tank area 22. See figure 1 and page 13, lines 10-15. This secondary tank is intended for use with an atomizer (sprayhead 22). Figure 2 and page 8, lines 12-16. Means are provided for transferring the coating product is from the principal tank towards the secondary tank after the displacing step. figure 3 and page 9, lines 14-23 (by pouring) or figure 1 and page 11, lines 10-22 (through tubes 50). Means are provided for supplying atomizer with coating product from the secondary tank. Figure 2 and page 8, lines 12-16 (through downtube 24).

'465 teaches all the features of these claims except (1) specifically supplying the atomizer with coating products (claim 7), (2) that the principal tank contains enough coating to supply different atomizers with enough coating to spray an object (claim 11) and (3) means precisely as described in the specification (claim 13).

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '465 to (1) supply the atomizer with the coating products introduced into the secondary tank because '465 teaches a spray device with a sprayhead 22

connected to a secondary tank 20 by means of a downtube 24 and that it is desired to use the spray device to spray coating material from the secondary tank. As a result, it would be desired to supply the atomizer (sprayhead 22) with the coating material from the secondary tank 20 so that spraying can actually occur. It would further have been obvious<sup>(2)</sup> to modify '465 to provide that the principal tank can supply multiple spray devices with enough coating to coat a single object by optimizing the size of the principal tank and the amount of coating inside, because '465 indicates that multiple spray devices can be filled using the spray mixture from the principal tank and there is no limitation on the size of the object to be sprayed and also indicates the desire to fill with an amount for minimal refill (page 13, lines 1-10), thus suggesting to one of ordinary skill in the art to provide enough material to a spray bottle to cover the size of an object as desired. As to claim 13, it is the Examiner's understanding that this "means" language indicates the use of "means plus function" language as in 35 USC 112, 6<sup>th</sup> paragraph. This indicates that the "means" claimed is that described in the specification or its equivalents. Thus, as to the claimed "means" it would further have been obvious to modify '465 to provide the equivalent "means for displacing" of the principal tank of applicant (page 3 of the specification, a conveyor) by providing the principal tank on the wheeled cart, which would act as a conveyor; or by moving the tank by hand motion which would provide an identical movement of the tank. As to the "means for transferring" of applicant, page 8 describes a "coupling means" that allows transfer, it would be suggested that the transfer means '465 (the tubes 50) would be an equivalent means, since the tubes also connect the two principal tanks. As to the "means for supplying the atomizer", it appears that this means connecting the atomizer to the secondary tank so that coating can

transfer (from applicant's specification), and it would be suggested that the downtube 24 of '465 would be equivalent to this, since a connection to the sprayhead 22 and the tank 20 is provided by this downtube.

### *Allowable Subject Matter*

7. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

'465 does not teach or suggest the use of the robot system as claimed.

### *Election/Restrictions*

8. As to the withdrawn claims 1-6 and 12, these claims will not be rejoined, and the restriction requirement is maintained, as "linking claim" 13 has not be found allowable.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (571) 272-1413. The examiner can normally be reached on M-F(6:30-4:00) with the First Friday Off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (571) 272-1415. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

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Other inquiries can be directed to the Tech Center 1700 telephone number at (571) 272-1700.

Furthermore, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
KATHERINE BAREFORD  
PRIMARY EXAMINER